

**REMARKS**

In the Office Action dated April 6, 2004, the Examiner objected to the specification and rejected pending claims 53-102, 112-114, and 119-157. In particular, the Examiner rejected claims 80-86, 87-92, 98-102, 112-114, 119-121, 143-146, 149, 150-156, and 157 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not sufficiently described in the specification. Claims 53-72, 80-97, 112-114, 119, 121-123, 145-152, and 155-157 were rejected under 35 U.S.C. § 102(b) as anticipated by *Hedges et al.*, U.S. Patent No. 4,467,424. Claims 73-79, 124, 127, 129, 130, 132, 134, 136, 138, 139, 141, 143, and 144 were rejected under 35 U.S.C. § 102(e) as anticipated by *Franchi*, U.S. Patent No. 5,770,533. Under 35 U.S.C. § 103(a), claims 126, 128, 131, 133, 135, 137, 140, and 142 were rejected as obvious over *Franchi*, and claims 120, 153, and 154 were rejected as obvious over *Hedges et al.* in view of *Franchi*.

By this Amendment, Applicants have amended claims 67, 80, 84, 87, 92, 93, 98, 112-113, 119-120, 124, 129, 143, 145, 147, 150, 155, and 157, taking care not to add any new matter. Applicants have also cancelled claims 72, 94, and 99, without prejudice or disclaimer of the subject matter recited therein.

**Information Disclosure Statement**

Applicants appreciate the Examiner's continued effort to locate copies of the documents submitted with Applicants' January 4, 2002 IDS.

**Specification Objections**

The Examiner objected to the proposed amendments to the specification on two grounds. First, the Examiner alleged that receiving game information on a per-game basis or every time a

wager is received enlarges the scope of the original disclosure. Second, the Examiner alleged that Applicants renamed/redefined information in the claims.

To resolve any confusion over terminology, Applicants have amended the specification to clarify that player activity and game information may be received by a central controller. As disclosed in the original disclosure of the parent application, now U.S. Patent No. 6,280,328 (hereafter, “the ‘328 patent”), both player activity information and game information are transmitted between account server 400 and player terminal 100. Applicants note that the ‘328 patent has been incorporated by reference into the present application. According to the ‘328 patent, game information also may be exchanged with account server 100. (‘328 patent, col. 8, ll. 17-25.) The ‘328 patent also discloses player terminals 100 transmitting real-time to account server 400 all player activity information. (‘328 patent, col. 8, ll. 52-56.)

In addition, Applicants note that, according to the ‘328 patent, game information may include, among other things, the player terminal number, game type code, game number, time, date, and a wager amount. (‘328 patent, col. 8, ll. 17-21.) Further, the ‘328 patent provides a list of exemplary player activity information, including a wager amount and information on the game played. (‘328 patent, col. 8, ll. 52-60.) Therefore, Applicants submit that “information on the game” includes at least a game type code and a game number, also defined in the disclosure of ‘328 patent as game information.

Because tracking both player activity and game information on a per-game basis are clearly described in the original disclosure, the Applicants respectfully request the entry of the foregoing specification amendments and the withdrawal of the objections to the specification.

### **Section 112 Rejections**

The Examiner rejected claims 80-86, 87-102, 112-114, 119-121, 143-146, 149, 150-156, and 157 under 35 U.S.C. § 112, first paragraph, for two reasons. First, the Examiner alleged that transmitting game information on a per-game basis or for each wager received constitutes new matter. Second, the Examiner alleged that “the claims recite game information as being part of the player activity information.” In addition, the Examiner also rejected claims 72, 84, 92, 94, 99, 112, 113, 120, and 157 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

By this Amendment, Applicants have cancelled claims 72, 94, and 99, without prejudice or disclaimer of the subject matter recited therein, rendering the Section 112 rejection of those claims moot.

By this Amendment, Applicants have amended claims 67, 80, 87, 92, 93, 98, 112-113, 119, 120, and 155 to recite transmitting or receiving player activity and game information on a per-game basis and/or receiving player activity and game information for each game for which a wager amount was received, and Applicants have amended claims 93, 98 143, 145, 147, and 150, to recite similar subject matter. For example, claim 67 recites a system that includes, among other things, a game terminal including means for transmitting player activity and game information on a per-game basis. In another example, claim 147 recites a method that includes receiving player activity and game information every time a wager amount is received by a game terminal.

Applicants submit, present claims 67, 80, 87, 93, 98, 112, 119, 143, 145, 147, 150, and 155 fully comply with 35 U.S.C. § 112, first paragraph requirements. Thus, the Applicants

respectfully request the reconsideration and withdrawal of the rejections of present claims 80, 87, 93, 98, 112, 119, 143, 145, 150, and 155 and the claims that depend therefrom.

Applicants also have amended claims 84, 92, 112, 113, 120, and 157. Applicants submit that claims 84, 92, 112, 113, 120, and 157 fully comply with 35 U.S.C. § 112, first paragraph requirements.

### **Section 102 Rejections**

Claims 53-72, 80-97, 112-114, 119, 121-123, 145-152, and 155-157 were rejected under 35 U.S.C. § 102(b) as anticipated by *Hedges et al.*, U.S. Patent No. 4,467,424. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131 (8<sup>th</sup> ed. 2001, revised May 2004). Applicants respectfully submit that *Hedges et al.* fails to disclose every element of claims 53-72, 80-97, 112-114, 119, 121-123, 145-152, and 155-157.

Applicants have cancelled claims 72 and 94 without prejudice or disclaimer of the subject matter recited therein, rendering the Section 102 rejection of those claims moot.

Claim 53 recites, among other things, means for displaying the result of the game. *Hedges* fails to disclose such subject matter. In *Hedges*, player board 40 displays “a new account balance” (*Hedges*, col. 13, ll. 64-65), not “the result of the game,” as recited in present claim 53. Because *Hedges* does not teach every element of claim 53 and the claims that depend therefrom, Applicants respectfully request the withdrawal of the Section 102 rejections of claims 53-59.

Like claim 53, claims 67 and 93 recite, among other things, means for displaying the result of the game. For the reasons given above, *Hedges* fails to disclose this combination of claim elements, as required by claims 67 and 93, and the claims that depend therefrom.

Therefore, Applicants respectfully request the withdrawal of the Section 102 rejections of claims 67-72 and 93-97.

Claim 60 recites a player terminal including means for determining the result of a game. *Hedges et al.* do not disclose such a subject matter. Instead, in the reference, the numerical results of a game are determined by a remote croupier station. (*Hedges et al.*, col. 3, ll. 7-14; col. 6, l. 67 - col. 7, l. 4.) The Examiner apparently alleges that in her interpretation, displaying results of the game taught by *Hedges et al.* can be equated with certain claimed subject matter. Applicants respectfully disagree.

*Hedges et al.* player station 10 functions merely as a remote display and as such is incapable of functioning independently from a croupier station. (*Hedges et al.*, col. 3, ll. 7-14; col. 6, l. 67 - col. 7, l. 4, col. 7, ll. 56-61.) In contrast, some exemplary embodiments of in the instant invention, each game terminal autonomously determines a result of the game. ('328 patent, col. 8, ll. 9-16.) The game terminal independent functioning eliminates a need for the security system and security communication means disclosed in *Hedges et al.* (*Hedges et al.*, col. 7, ll. 54-67.)

Because *Hedges et al.* does not teach every element of amended claim 60 and the claims that depend therefrom, Applicants respectfully request the reconsideration and withdrawal of the Section 102 rejections of claims 60-66.

Claims 80 and 87 recite a method that includes displaying, by the one of the plurality of game terminals, the result of the game. As discussed above with respect to claim 53, *Hedges et al.* fails to disclose a game terminal that displays the result of the game as required by pending claims 80 and 87, and the claims that depend therefrom. Therefore, Applicants respectfully

request the reconsideration and withdrawal of the Section 102 rejections of claims 80-92, 151, and 152.

Claims 112, 119, 122, 145, and 155 recite, among other things, displaying a result of a game. For the reasons given above, *Hedges* fails to disclose this subject matter, as required by amended claims 112, 119, 122, 145, and 155, and the claims that depend therefrom. Therefore, Applicants respectfully request the reconsideration and withdrawal of the Section 102 rejections of claims 112-114, 119-123, 145-150, and 155-157.

Claims 73-79, 124, 127, 129, 130, 132, 134, 136, 138, 139, 141, 143, and 144 were rejected under 35 U.S.C. § 102(e) as anticipated by *Franchi*, U.S. Patent No. 5,770,533. To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131 (8<sup>th</sup> ed. 2001, revised May 2004). Applicants respectfully submit that *Franchi* fails to disclose every element of claims 73-79, 124, 127, 129, 130, 132, 134, 136, 138, 139, 141, 143, and 144 for the following reasons.

Claim 73 recites, among other things, a method that includes receiving, at one of a plurality of game terminals, a wager amount for a game. *Franchi* fails to disclose such a method. In particular, *Franchi* fails, to disclose receiving a wager amount for a game, as recited in present claim 73. For example, in the instant application, account server 400 credits or debits the player's account the waged amount (step 544) and returns the updated account balance to the player terminal (step 546). ('328 patent, col. 8, ll. 26-33.)

Nowhere does *Franchi* disclose receiving a wager amount for a game by a player terminal and the Examiner does not even allege so. Instead, in *Franchi*, in response to a player selecting a network activity on an individual player console, central computer 200 transmits to

the player console a network communication link. Thus, the function of central computer 200 is limited to merely establishing a network communication link between an individual payer console and a network. (*Franchi*, col. 8, ll. 54-64.) Further, *Franchi* teaches central computer 200 checking the player's current betting balance, but the reference stops short from teaching or even suggesting receiving, at one of a plurality of game terminals, a wager amount for a game, as recited in present claim 73. Because the reference fails to disclose every element of claim 73, and the claims that depend therefrom, Applicants request the withdrawal of the Section 102 rejections of claims 73-79.

Like claim 73, claims 134, 139, and 143 recite a method that includes receiving, at one of a plurality of game terminals, a wager amount for a game. *Franchi* fails to disclose such a method for at least the reasons given above. Therefore, the reference fails to disclose every element of claims 134, 139, and 143, and the claims that depend therefrom, and Applicants request the withdrawal of the Section 102 rejections of claims 134, 136, 138, 139, 141, 143, and 144.

Present claims 124 and 129 recite, among other things, a gaming terminal including means for receiving a wager amount for a game. As discussed above, *Franchi* fails to disclose such a structure. Therefore, the reference fails to teach every element of claims 124 and 129, and the claims that depend therefrom, and Applicants request the withdrawal of the Section 102 rejections of claims 124, 127, 129, 130, and 132.

### **Section 103 Rejections**

Claims 126, 128, 131, 133, 135, 137, 140, and 142 were rejected under 35 U.S.C. § 103(a) as obvious over *Franchi*. To establish a *prima facie* case of obviousness under 35

U.S.C. § 103(a), each of three requirements must be met. First the reference or references, taken alone or combined, must teach or suggest all the claim limitations. M.P.E.P. § 2143 (8<sup>th</sup> ed. 2001, revised May 2004). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. *Id.* at § 2143.01. Third, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. *Id.* at § 2143.02. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” *Id.* at § 2143.

Claims 126 and 128 depend from allowable claim 124 and therefore indirectly recite a gaming terminal including means for receiving a wager amount for a game from a player. As discussed above with regard to claim 124, *Franchi* fails to disclose such a structure. Therefore, the reference fails to teach or suggest every element of claims 126 and 128, and Applicants request the withdrawal of the Section 103 rejections of these claims.

Claims 131 and 133 depend from allowable claim 129 and therefore indirectly recite a gaming terminal including means for receiving a wager amount for a game. As discussed above with regard to claim 129, *Franchi* fails to disclose such a structure. Therefore, the reference fails to teach or suggest every element of claims 131 and 133, and Applicants request the withdrawal of the Section 103 rejections of these claims.

Claims 135 and 137 depend from allowable claim 134, which recites a method that includes receiving, at one of a plurality of game terminals, a game choice, and a wager amount for a game. As discussed above with reference to claim 134, *Franchi* fails to disclose such a



method. Therefore, the reference fails to teach or suggest every element of claims 134 and 137, and Applicants request the withdrawal of the Section 103 rejection of these claims.

Claims 140 and 142 depend from allowable claim 139 reciting a method that includes receiving a wager amount for a game. As discussed above with reference to claim 139, *Franchi* fails to disclose such a method. Therefore, the reference fails to teach or suggest every element of claims 140 and 142, and Applicants request the withdrawal of the Section 103 rejection of these claims.

Claims 120, 153, and 154 were rejected as obvious over *Hedges et al.* in view of *Franchi*. Claims 120, 153, and 154 depend from claims that are allowable for the reasons given above. Therefore, Applicants request the reconsideration and allowance of amended claims 120, 153, and 154.

### Conclusion

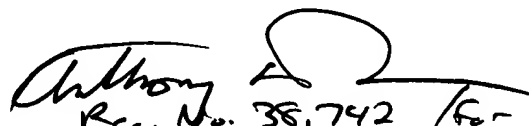
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please charge any fees which are not enclosed, including any fees required for an extension of time, to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:   
Reg. No. 31,744  
Richard V. Burgujian  
Reg. No. 31,744